

Appl. No.: 10/814,419
Amdt. Dated: 08/17/2006
Off. Act. Dated: 05/17/2006

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 7. This sheet replaces original sheet 4/6 containing FIG. 7. Block 660 has been corrected by adding parenthesis in the denominator of the equation consistent with paragraph [0066] of the specification.

Appl. No.: 10/814,419
Amdt. Dated: 08/17/2006
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REMARKS/ARGUMENTS

Applicant believes that this paper places the claims in condition for allowance because all independent claims have been amended to include subject matter deemed allowable. Accordingly, Applicant requests that this paper be entered after a final action and that the Examiner reconsider and deem all claims allowable.

1. **Allowability of Claims 15 and 30.**

The Applicant notes with appreciation Examiner's determination that Claims 15 and 30 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant has reviewed Claims 15 and 30 in relation to the prior art and has amended the claims to recite what the Applicant believes the Examiner determined to represent the patentable subject matter in Claims 15 and 30. In addition, the Applicant has clarified the claim language so that it is more consistent throughout the claims and more closely follows the language in the specification.

Applicant has amended Claim 3 to recite allowable elements from Claim 15—that the programming executable on the computer processor performs the patentably distinct acts comprising:

- calculating, from signal strength information, differences in signal strength for a plurality of signal strength samples accumulated during a sampling period;

- performing a regression analysis on the differences in signal strength with respect to the number of samples in the plurality of signal strength samples;

- calculating, as a result of said regression analysis, a coefficient of determination;

- calculating, as a result of said regression analysis, a regression coefficient; and

- generating and outputting a proximity motion detection signal, in response to determining that the regression coefficient is approximately equal to or greater than the quotient of (i) change in signal strength from start to end of the sampling

Appl. No.: 10/814,419
Amdt. Dated: 08/17/2006
Off. Act. Dated: 05/17/2006

period divided by (ii) the number of the plurality of signal strength samples, and further in response to determining that the coefficient of determination exceeds a threshold value.

Similarly, Claim 18 has been amended to recite elements from allowable Claim 30—that the method comprises the patentably distinct acts of:

calculating, from signal strength information, differences in signal strength for a plurality of signal strength samples accumulated during a sampling period;

performing a regression analysis on said differences in signal strength with respect to the number of samples in the plurality of signal strength samples;

calculating, as a result from said regression analysis, a regression coefficient;

calculating, as a result from said regression analysis, a coefficient of determination; and

generating and outputting a proximity motion detection signal, in response to determining that the regression coefficient is approximately equal to or greater than the quotient of (i) change in signal strength from start to end of the sampling period divided by (ii) the number of the plurality of signal strength samples, and further in response to determining that the coefficient of determination exceeds a threshold value.

Independent method Claims 33 and 42 have been similarly amended, and the Applicant has variously amended the dependent claims for consistency in terminology and subject matter. In addition, the Applicant has variously amended claims dependent from Claim 3 to recite subject matter of claims dependent from Claim 18, and has variously amended claims dependent from Claim 18 to recite subject matter of claims dependent from Claim 3. These amendments are for the purpose of making the claims

Appl. No.: 10/814,419
Amdt. Dated: 08/17/2006
Off. Act. Dated: 05/17/2006

more consistent in view of the similarity between system Claim 3 and method Claim 18 in their amended forms.

In view of the foregoing remarks, the Applicant respectfully submits that Claims 3, 18, 33 and 42, as well as the claims that depend therefrom, are allowable.

2. Amendment of Specification and Drawings.

While reviewing the specification in preparation for allowance, the Applicant noted that Equation 3 did not include the parentheses indicating order of operation that are found in paragraph [0066]. While one of ordinary skill would have understood the order of operations in Equation 3, the Applicant has amended the form of Equation 3 for consistency with paragraph [0066]. Applicant has similarly amended block 660 in FIG. 7.

Also, in paragraph [0067], the Applicant has corrected a typographical error in relation to the description of the process flow shown in FIG. 7. The typographical error would readily have been recognized by one of ordinary skill and the correction understood from paragraphs [0066]-[0067] and FIG. 7.

No new matter has been added, and the Applicant respectfully requests entry of these amendments.

3. Amendments Made Without Prejudice or Estoppel.

As indicated above, the Applicant has amended the claims in order to expedite prosecution in view of the finality of this last action. However, Applicant does not acquiesce in the original grounds for rejection with respect to the original form of these claims. These amendments have been made without any prejudice, waiver, or estoppel, and without forfeiture or dedication to the public, with respect to the original subject matter of the claims as originally filed or in their form immediately preceding these amendments. The Applicant reserves the right to pursue the original scope of these claims in the future, such as through continuation practice.

Appl. No.: 10/814,419
Amdt. Dated: 08/17/2006
Off. Act. Dated: 05/17/2006

4. Conclusion.

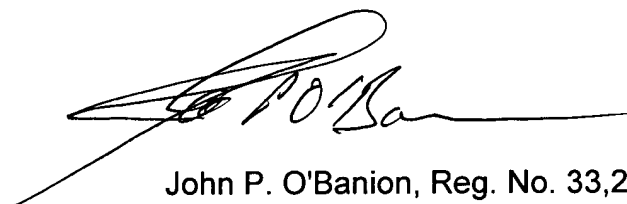
Based on the foregoing, Applicant respectfully requests that the various grounds for rejection in the Office Action be reconsidered and withdrawn with respect to the arguments presented herein and that a Notice of Allowance be issued for the present Application to pass to issuance.

In the event any further matters remain at issue with respect to the present application, Applicant respectfully requests that the Examiner please contact the undersigned below at the telephone number indicated in order to discuss such matter prior to the next action on the merits of this application.

Date: _____

8/16/06

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. P. O'Banion", with a long horizontal flourish extending to the right.

John P. O'Banion, Reg. No. 33,201
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4/6

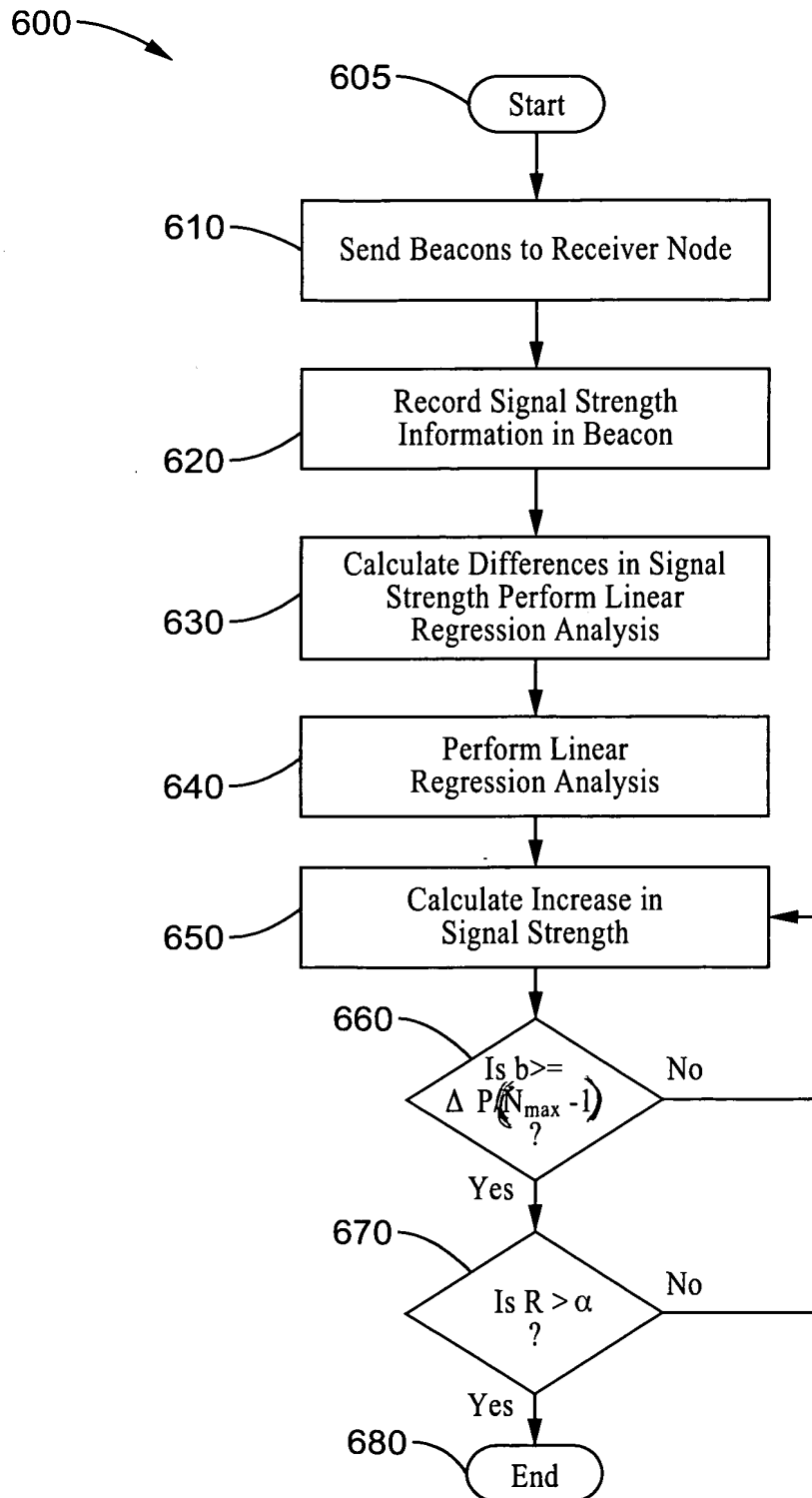


FIG. 7



CERTIFICATION UNDER 37 CFR 1.8

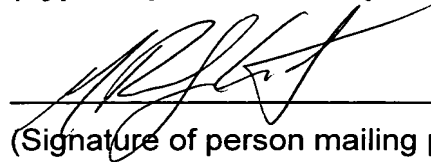
I hereby certify that the foregoing:

Annotated Drawing Sheet (sheet 4/6)

is being deposited with the United States Postal Service on August 17, 2006
with sufficient postage as first class mail in an envelope addressed to the:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

M. ROBYN CARRILLO

(Type or print name of person mailing paper)



(Signature of person mailing paper)